

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KAMLESH BANGA,

Plaintiff,

vs.

FIRST USA, NA & CHASE BANK USA,  
NA and DOES 1 through 10 inclusive,

Defendants.

Case No: C 10-0975 SBA

**ORDER**


Docket 123, 124

On May 28, 2013, Plaintiff filed a third amended complaint ("TAC"). Dkt. 120. On June 24, 2013, Plaintiff filed a motion to compel Defendants to answer the TAC or, in the alternative, motion for entry of default. Dkt. 123. On June 25, 2013, Defendant Chase Bank USA, N.A. ("Defendant") filed a motion to strike the TAC. Dkt. 124.

Rule 15 of the Federal Rules of Civil Procedure provides that in all cases where, as here, a party does not have the right to amend as a matter of course, "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed.R.Civ.P. 15(a)(2). Accordingly, because Plaintiff did not receive Defendant's written consent or the Court's leave to amend her pleading, the Court STRIKES the TAC from the record. See Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404-405 (9th Cir. 2010) (courts have the inherent authority to strike improper documents); see also Centillum Comms., Inc. v. Atlantic Mut. Ins. Co., 2008 WL 728639, at \*6 (N.D. Cal. 2008) (striking improperly filed motion). This Order terminates Docket 123 and Docket 124.

IT IS SO ORDERED.

Dated: 6/28/13

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 BANGA et al,

5 Plaintiff,

6 v.

7 FIRST USA, N.A. ET AL et al,

8 Defendant.  
9 \_\_\_\_\_/

10  
11 Case Number: CV10-00975 SBA

12 **CERTIFICATE OF SERVICE**

13  
14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

15 That on June 28, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said  
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
18 located in the Clerk's office.

19  
20 Kamlesh Banga  
21 P.O. Box 5656  
22 Vallejo, CA 94591

23 Dated: June 28, 2013

24 Richard W. Wieking, Clerk

25 By: Lisa Clark, Deputy Clerk  
26  
27  
28